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**The Comptroller General  
of the United States**

Washington, D.C. 20548

## Decision

**Matter of:** Mountain Technical Industries--Request for  
Reconsideration

**File:** B-235477.2

**Date:** June 7, 1989

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### DIGEST

Request for reconsideration of a decision dismissing a protest as untimely is denied where the protester fails to show any error of fact or of law that would warrant reversal or modification.

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### DECISION

Mountain Technical Industries (MTI) requests that we reconsider our decision in Mountain Technical Industries, B-235477, May 17, 1989, 89-1 CPD ¶ , in which we dismissed as untimely the firm's protest of the cancellation of request for proposals (RFP) No. F04699-88-R0072, issued by the Department of the Air Force, McClellan Air Force Base, California, for microfilm viewers.

We deny the request for reconsideration.

MTI alleged that the Air Force acted in bad faith in canceling the RFP. We dismissed the protest as untimely because it was not filed in our Office until May 10, more than 10 working days following initial adverse agency action on April 21. See 4 C.F.R. § 21.2(a)(3) (1988).

In its request for reconsideration, MTI contends that a delay in our Office's internal mail distribution, resulting from its having mistakenly addressed its protest to the "Claims Group" at the direction of a General Accounting Office (GAO) suboffice, must have been responsible for the firm's late filing, since the protest was mailed on April 28, 7 days after the firm's receipt of the Air Force's denial of its agency-level protest, and within the 10-day time limit.

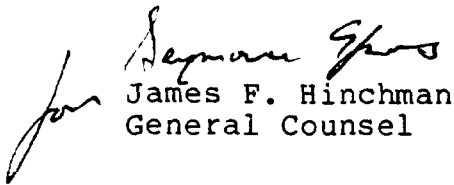
The term "filed" as defined in our Bid Protest Regulations means receipt of the protest in GAO. 4 C.F.R. § 21.0(g).

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Thus, the fact that MTI may have mailed its protest letter within the 10-day period is not relevant to the timeliness of the filing.

Further, the GAO time/date stamp establishes the time we initially receive protest material in the GAO Document Control Section, before the material is directed to a particular GAO division, absent other evidence to show actual earlier receipt. Kaneohe General Services--Request for Reconsideration, B-233358.2, Nov. 28, 1988, 88-2 CPD ¶ 522. Accordingly, there is no reason to assume, and in fact there is no evidence in the record, that the late receipt of MTI's protest was due in any way to the fact that it was incorrectly addressed to our Claims Division. Rather, our time/date stamp shows initial receipt of MTI's protest letter in our Office on May 10, which is more than 10 working days after April 21, the date MTI received the information on which it based the protest. Since there is no evidence that we received the letter before the 10-day period expired, or that the protest was delivered to the GAO Claims Division before being time/date stamped in the GAO Document Control Section, the protest was properly dismissed as untimely.

The request for reconsideration is denied.

  
James F. Hinchman  
General Counsel